

REMARKS

Applicant has carefully reviewed the Office Action dated August 27, 2002. With this response, claim 6 has been amended. Claims 1-10 remain pending.

The Examiner asserts that restriction to one invention is required under 35 U.S.C. §121. A provisional election of Species A, corresponding to claims 1-10, was made on July 23, 2002. Applicant hereby affirms this election.

Claim 9 is rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. The Examiner asserts that recitation of the limitation "the first direction" in line 2 of claim 9 lacks antecedent basis. The first recitation of the limitation "a first direction" that provides antecedent basis for the limitation in claim 9 can be found in claim 5. Accordingly, Applicant responds to this rejection by amending claim 6 so that it now depends from claim 5, instead of claim 4. Claim 9 now depends from a series of intervening claims that include claim 5. Because claim 9 now depends from claims including claim 5, recitation of "a first direction" in claim 5 now provides antecedent basis for the limitation in claim 9. Applicant respectfully submits that this amendment overcomes the rejection under 35 U.S.C. §112, second paragraph.

Claims 1-10 are rejected under 35 U.S.C. §102(b) as being anticipated by Evard et al. in U.S. Patent No. 4,981,478. The Examiner asserts that Evard et al. disclose a catheter shaft that includes a support member having an ultraviolet-curable epoxy. Applicant respectfully traverses this rejection. Applicant's claim 1 includes the following element:

... a first layer disposed over at least a portion of the outer surface of the inner member, the first layer including a selectively curable material, the selectively curable material at least partially cured at desired portions thereof to alter the flexibility of the support member at the desired portions.

It can be seen from the above claim language that this element includes at least one structural limitation that can be distinguished from Evard et al.: that the selectively curable material is at least partially cured at desired portions to alter the flexibility. In contrast, Evard et al. only disclose that their fibrous material wrapped around the inner tubular member may be impregnated with epoxy. Evard et al., however, only teach that the flexibility of their catheter can be altered by changing the warp angle by which the strands are wrapped around the inner

tubular member (please see, for example, column 5, lines 11-40). Moreover, Evard et al. fail to disclose that any portion of the epoxy is cured (either by ultraviolet light or otherwise) or that there is any reason why any portion thereof has been cured to alter the flexibility of the catheter. Because Evard et al. fail to disclose a structural limitation of Applicant's claimed invention, Applicant respectfully submits that the rejection under 35 U.S.C. §102(b) is improper and that claim 1 is in condition for allowance. Because claims 2-10 depend from claim 1, they are allowable based on the above remarks and because they add significant elements to distinguish them from the prior art.

Reexamination and reconsideration are respectfully requested. It is respectfully submitted that all pending claims, namely claims 1-10, are now in condition for allowance. Issuance of a Notice of Allowance in due course is requested. If a telephone conference might be of assistance, please contact the undersigned attorney at (612) 677-9050.

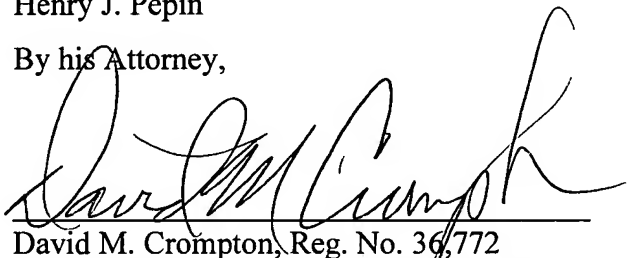
Respectfully submitted,

Henry J. Pepin

By his Attorney,

Date: _____

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Version with Markings to Show Changes Made

In the Claims:

Claim 6 has been amended as follows:

6. (Once Amended) The catheter shaft in accordance with claim 5 [4], further comprising a third layer disposed over at least a portion of the second layer, wherein the third layer includes a selectively curable material, the selectively curable material at least partially cured at desired portions thereof to alter the flexibility of the support member at the desired portions.